

Spotlight on the ERA Pledge YPSC's Push 4 Parity Series

In May 2020, the ERA Pledge Young Practitioners Sub-committee (the YPSC) was formed. The YPSC is composed of a diverse cohort of up-and-coming practitioners across the global arbitration community. The YPSC's primary purpose is to reach out to young arbitration practitioners in innovative ways to raise awareness about the gender gap on arbitral tribunals and to help generate opportunities for underrepresented members of the arbitration community.

One of the first, and ongoing, initiatives promoted by the YPSC is its "Push for Parity" initiative put together by the YPSC's Female Arbitrator Skills-building Taskforce. The Push for Parity series is a popular webinar series taught by diverse voices in the field, including leading arbitrators, practitioners and representatives from major arbitral institutions. The Push for Parity series offers practical advice on topics of interest to emerging and aspiring arbitrators, such as: the different paths to becoming an arbitrator, networking, personal branding and marketing techniques, getting on the rosters of arbitral institutions, securing the first arbitral appointments, dealing with disclosures of potential conflicts of interest, preparing for and conducting arbitration proceedings with confidence, participating in tribunal deliberations with more senior arbitrators and drafting effective awards.

The series, now preparing for its third season, has benefited from the input of leading arbitrators, practitioners, and institutional representatives. We are proud to have helped more than 500 attendees chart their individual career paths.

Push for Parity Season 1 – Securing and managing a first arbitral appointment

Season 1 of the Push for Parity series focused on securing and managing first arbitral appointments. The first panel, moderated by Caroline Croft and Elizabeth Chan, focused on obtaining advice from senior representatives of leading arbitral institutions including Delphine Ho (SIAC), Madeline Kimei (Tanzania Institute of Arbitrators), Dr Gabrielle Ruscalla (ICC), and Wing Shek (LCIA) on securing first appointments. The speakers were generous with their advice including on refining CVs prior to sending these to institutions, building ones profile within the arbitration community and on seeking experience as counsel and as tribunal secretary. They also provided helpful insight into how institutions select arbitrators from their arbitrator lists, and on how best to gain inclusion on those lists.

The second panel, moderated by Maguelonne de Brugiére and Abayomi Okubote, focused on gaining the insights from practitioners on how best to secure first arbitral appointments. Panellists included Krystle Baptista Serna (KBS Arbitration), Ruth Byrne (King & Spalding), Dr Mariel Dimsey (CMS Hasche Sigle, Hong Kong LLP) and Angharad Parry (Twenty Essex). These leading practitioners were open about their own experience, and stressed the need to embrace networking, to learn from others and take advice broadly. Particular emphasis was given to networking with arbitral institutions and engaging with their activities as well as developing a personal brand. The key message however, was one of patience and perseverance.

The third panel, moderated by Lindsay Gastrell, was a conversation with Dr Sylvie Behohi Ebongo (HBE Avocats), Christina G Hioureas (Foley Hoag), Dr Michele Potestà (Lévy Kaufman-Kohler) and Dr Katherine Simpson (Simpson Dispute Resolution) about arbitrating first cases. Advice to those managing their first appointments was to be prepared and be robust. Difficult issues should be faced squarely and fairly, with detailed reasoning provided in support of any decision. Participants were advised to start writing their arbitral decision early (for example by setting out the parties' respective positions), and to add to the award as the matter developed. Panellists also advised against using any jargon, and stressed that clear communications are of paramount importance throughout the case. For those whose first appointment is not as a solo arbitrator, focus should also be given to developing a positive working relationship with co-arbitrators.

The last panel of the series, moderated by Marta García Bel and Isabel San Martín, focused on the many different pathways to becoming an arbitrator. The panellists, Dr Crina Baltag (Stockholm University), Chiann Bao (Arbitration Chambers), Dyalá Jiménez (DJ Arbitraje) and Thomas Sprange QC (King & Spalding) shared their very different and diverse pathways to becoming arbitrators, from private practice to academia. Despite their different backgrounds, there was some consistent advice given: to work on developing a package of skills, in particular the exercise of good judgement, people skills and efficient case management. All acknowledged that timing and luck do play a role and opportunities can arise when you least expect them. It is important not to rush your career, but also to be in a position to capitalize on opportunities when they arise. In terms of experience, the recommendation was to build up substantive expertise (whether through research, publications or by working on cases) and it was acknowledged that acting both as arbitrator and counsel can assist in becoming a better arbitrator.

Push for Parity Season 2 – Arbitrator conflicts, deliberations and award drafting

The second Push for Parity season focused on lifting the veil on what happens behind the scenes, and looking at the topics of arbitrator interviews and conflicts, tribunal deliberations and the process behind drafting awards.



The first panel, moderated by Krystle Baptista Serna and Isabel San Martín, focused on the preliminary aspects of an arbitration proceeding, which are critical to securing an arbitrator appointment but are not as frequently discussed. In particular, the panel, comprised of Mohamed S Abdel Wahab (Zulficar & Partners), Elena Gutiérrez García Cortázar (EGGC Arbitration), Leandro Meneses (Técnicas Reunidas) and Ina Popova (Debevoise & Plimpton LLP), discussed the role of arbitrator interviews and explained their scope and what is appropriate for discussion. We heard the counsel and in-house counsel perspective on when arbitrator interviews are necessary and helpful to decide on the appointment, as well as their views as to what they are looking for in an arbitrator. The panellists also shared their views (and some war stories) in relation to interviews where sensitive questions or inappropriate topics are raised and how best to handle those situations as the arbitrator candidate. In relation to disclosures, the panellists agreed that when in doubt, an arbitrator should always err on the side of disclosure.

The second episode, hosted by Lindsay Gastrell and Marta García Bel, focused on Tribunal deliberations. Lindsay introduced the topic, noting that this key aspect of the arbitral process happens continually throughout a case and yet remains a “black box” even to those with extensive experience as counsel and as sole arbitrator. It is particularly difficult to learn about deliberations because they are confidential, varied, and not governed by any formal guidelines. The goal of the session was to demystify the process with the help of three leading arbitrator panellists: Niuscha Bassiri (Hanotiau & van den Berg), Eva Kalnina (Arbitration Chambers), and Sherina Petit (Norton Rose Fullbright). The panellists engaged in a refreshingly candid conversation about their experience navigating tribunal dynamics, dealing with difficult co-arbitrators, and overcoming the challenge of being the only female in the deliberation room. Attendees then had the opportunity to learn more valuable tips by speaking directly with the panellists in breakout rooms.

The final episode, moderated by Dr Michele Potestà, was a discussion about award-drafting with seasoned arbitrators and current/former ICC court members, Ndanga Kamau (Ndanga Kamau Law), Sabina Sacco (Sabina Sacco Arbitration) and Patricia Saiz González (ESADE Law School). Panellists discussed how to organize the writing process and gave practical tips on how to navigate the drafting of the typical sections of an award (parties’ positions, analysis, operative part, etc.). Covering questions of both content and style, the speakers also offered their insights on the dynamics of the drafting process within a 3-member tribunal.

The two series have been well attended by an audience across the globe, from very diverse backgrounds and at different stages in their career. Due to the fantastically positive feedback received, Push 4 Parity will be coming back for a third season in 2022, focusing on advocacy from a counsel's perspective.

Visit [our website](#) for more details of the ERA Pledge.